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Michael Pascazi

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SOFER & HAROUN, L.L.P.
317 MADISON AVE.
SUITE 910
New York, NY 10017

EXAMINER

TRAN, CONGVAN

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/902,466
Filing Date: July 10, 2001
Appellant(s): PASCAZI, MICHAEL

Robert Haroun
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed Dec. 21, 2009 appealing from the Office action mailed May 01, 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,816,719	Heinonen et al.	11-2004
6,771,701	Klindworth et al.	8-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen et al. (6816719) in view of Klindworth et al. (6,771,701).

Regarding claims 1, 11-12, 14, and 17, Heinonen discloses a method and system for making wireless terminal profile information accessible to net work, comprising:

a first internet protocol interface configured to receive an incoming cell phone signal generated by the first mobile station, and to transmit said phone signal to the Internet (see fig.1, a first internet protocol interface ISP, first mobile station 12, Internet 44); and a second internet protocol interface configured to receive said phone signal sent through the internet by said first internet protocol interface and to transmit said phone signal to the second mobile station, such that users of the first and second mobile stations can engage in a conversation where said phone signals are communicated over substantial distances through the internet (see fig.1, Internet 44, a second internet protocol interface ISP, second mobile station 22), except for the first and second internet protocol interfaces each maintain an echo canceller. However,

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Klindworth discloses an echo canceller comprising the first and second internet protocol interfaces each maintain an echo canceller/equalizer to correct distortions in said phone signal caused by travel of said phone signal through free air, server delays and internet delays (see figs2-3, echo canceller 30, fig.11, col.1, lines 39-45, col.9, lines 9-15). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Klindworth's echo canceller in Heinonen's invention in order to remove acoustical and electrical echoes that occur due to reflections of in signal to improve the quality of telecommunications system.

Regarding claims 2-3, these features are inherent and use to recognize the calling party and to locate the called party in telecommunication system (see col.1, lines 41-58).

Regarding claims 5 and 10, Heinonen's system is a digital system, therefor, it inherent that Heinonen's system including the A/D or D/A converter (see col.1, lines 41-58).

Regarding claims 6-7, 13, and 15-16, Heinonen's system is a 15 digit unique code that is used to identify GSM/DCS/PCS phone to a GSM/DCS/PCS network (see col.1, lines 41-58). Thus, Heinonen's system comprised of a internet protocol converter module configured to embed said phone signal into a packetized digital data stream for transmission through the internet and further comprised of a internet protocol de-converter module configured to remove said phone signal from said packetized digital data stream.

Regarding claims 8-9, Heinonen's system further comprising said second internet protocol interface is further comprised of a second software controller module configured to process address information of the second mobile station provided by the user of the first mobile station (see fig.1, file server).

(10) Response to Argument

Appellant's main argument is that "unlike the present invention, Heinonen's method does not transmit live voice input". The Examiner respectfully disagrees. Heinonen's system enhances the use of wireless terminals by sending the profile information through the wireless network. Although, Heinonen has not discussed the limitation "transmit live voice input" (engage in a conversation); Examiner asserts that it is inherent for the wireless terminals such as wireless terminals 12/22 in fig.1 to be used to engage in a conversation (see fig.1, wireless terminals 12/22 may be a wireless telephone or smart phone, col.5, lines 41-50 **Heinonen's reference**),

Appellant next argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Klindworth's reference does disclose "Echo cancellers are commonly used in telephone systems to remove acoustical electrical echoes that may occur due to reflections of the signal in the

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communication line” (see col.1, lines 18-30). Thus it is obvious that the Echo cancellers of Klindworth would be used in Heinonen’s system to remove the interference noise.

Furthermore, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claimed invention, so in this instance, the combination of Heinonen and Klindworth references would result in the use of an echo canceller in communications to remove interference for quality communications.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/CongVan Tran/

Primary Examiner, Art Unit 2617

Conferees:

Charles Appiah

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617

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Eng, George

/George Eng/
Supervisory Patent Examiner, Art Unit 2617